

PUBLIC CHAPTER NO. 850

HOUSE BILL NO. 4204

**By Representatives Richardson, Odom, Armstrong, Ferguson, Lois
DeBerry, Yokley**

Substituted for: Senate Bill No. 4205

By Senators Kyle, Henry, Marrero

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 7, relative to an exemption from licensing for administration of medications to persons with developmental disabilities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-7-102 is amended by deleting the existing language in subsection (10) in its entirety and substituting instead the following:

(10) Persons trained in accordance with §68-1-904(c) who are:

(A) providing personal support services to clients living in their own home or private residence pursuant to a contract or agreement under any medicaid waiver or other program of the division of mental retardation services; or

(B) employed by agencies that are both licensed under title 33 and under contract to provide residential or adult day programs for persons with mental retardation and persons trained in accordance with §68-1-904(c); or

(C) employed by community-based licensed intermediate care facilities for the mentally retarded who will administer medication only at a location other than the community-based facility. The employees of the community-based licensed intermediate care facilities for the mentally retarded may additionally receive medication administration training specific to the person served. For the purposes of this subdivision (10), when administered by employees of the intermediate care facilities, medications shall be packaged in individual doses labeled with the name of the individual patient, the time of administration and the drug name and dosage;

SECTION 2. Tennessee Code Annotated, Section 63-7-102 is amended by deleting the existing language in subsection (11) in its entirety and substituting instead the following:

(11) Except for those persons covered under (10)(A) above, a person employed by an agency licensed under title 33, chapter 2, part 4, providing personal support services to clients living in their own home or private residence may assist the client with medication, except for injections, upon a written authorization by the client or the client's authorized representative. For the purpose of this section, assistance is limited to opening medication packaging and providing medication reminders and does not permit giving the client any form of medication. Before any such person is authorized to assist the client with medication as provided in this subdivision (11), the person shall receive and be able to document training in medication assistance performed by or under the general supervision of a registered nurse and consistent with the state's home and community-based services (HCBS) training in assisting with medications. For the purposes of this subdivision (11), assisting with medications is not to be interpreted in any manner or fashion to include, or to be the same as, medication administration that would be only appropriate and acceptable for persons who are authorized so to do by specific professional acts under this title or by rules or regulations.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 21, 2008


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY, SPEAKER
SENATE OF THE SENATE

APPROVED this 30th day of April 2008


PHIL BREDESEN, GOVERNOR